

REMARKS

Interview Summary

On February 15, 2005, the undersigned and Examiner Prebilib participated in a telephonic interview. Generally, the amendments and arguments submitted with the Request for Continuing Examination received in the USPTO on January 31, 2005, were discussed. The undersigned inquired about the patentability of claims 65, 66, and 67, as amended, and reasserted the position that the Inoue reference (US 5,290,305) does not anticipate claims 70-79 and 81.

Examiner Prebilib expressed that Inoue '305 anticipates claims 70-79 and 81 because the claimed structure reads on Inoue, and Inoue is capable of performing as recited. Examiner Prebilib mentioned pursuing method of use claims, which might overcome Inoue '305 and/or submitting evidence that Inoue '305 could not function as claimed.

Although an agreement was not reached, the undersigned took note of the examiner's comments and indicated that she would consult with the client regarding filing a supplement amendment for the RCE submitted on January 31, 2005.

Claim Amendments

Claims 32, 71-73, and 77-79 have been amended to correct for typographical errors.

Claim 67

Claim 67 has been amended to call for a ring comprising windings formed of a *single* strand of resilient wire. In the Interview Summary the examiner indicated that claim 66 might be allowable or overcome the art applied in the final Office action. For at least the same reasons, amended claim 67 is believed to be allowable or distinguished over the applied art.

Claims 70, 75, and 81

In the final Office action dated November 4, 2004, claim 80 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 75, the independent claim that claim 80 depends from, has been amended to include the subject matter of claim 80. As such, claim 75 is in condition for allowance.

Claim 70 has been amended to include the subject matter of claim 74. In the November 4, Office action, claim 74 was rejected as being anticipated by Inoue '305. But, the subject matter of claim 74 is similar to that of claim 80, and claim 80 was indicated as including allowable subject matter. Also, none of Figures 12, 13, 17C, 18C, or 23 of Inoue's '305 patent disclose radially overlapping windings of wire. Taken together, it is respectfully submitted that the prosthesis of amended claim 70 is distinguished over the '305 patent. Under a similar analysis, claim 81 is also distinguished over the '305 patent.

CONCLUSION

Support for Amendments to the Claims

The amendments to the claims are supported in specification and the drawings. The examiner is requested to refer to Figures 1-5, 8-10, 17-21, and 23, and corresponding text. However, support for the amendments is not limited to the aforementioned figures and text.

Copending Applications


A list of the co-pending applications is provided below. As examiner Prebilic is believed to be the examiner for all of the applications listed below, current claims have not been included herewith. The examiner is requested to refer to the file for each application for additional information.

1. Serial No. 10/118,409, filed April 8, 2002, which is a continuation of the 08/878,908 application.
2. Serial No. 10/124,994, filed April 18, 2002, which is a divisional of the '908 application.
3. Serial No. 10/832,159, filed April 26, 2004, which is a divisional of application 09/365,860, which issued as Patent No. 6,740,111, which is a continuation of the '908 application.

In view of the amendments and remarks herein, the application is in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (VAS.0002US).

Respectfully submitted,

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